

**REGIONAL ISSUES**

**Compact of Free Association**

**Civil Aviation Safety Services and Related Programs**

**Amendment to Article VIII of the  
Federal Programs and Services  
Agreement Between the  
UNITED STATES OF AMERICA  
and PALAU**

Signed at Honolulu September 3, 2010



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **PALAU**

### **Regional Issues: Compact of Free Association Civil Aviation Safety Services and Related Programs**

*Amendment to Article VIII of the Federal Programs and  
Services Agreement;  
Signed at Honolulu September 3, 2010;  
Entered into force September 19, 2018.*

Appendix E(3):

Agreement Between  
the Government of the United States of America  
and  
the Government of the Republic of Palau  
to Amend Article VIII of the Federal Programs and Services Agreement  
Concluded Pursuant to Article II of Title Two and  
Section 232 of the Compact of Free Association

The Government of the United States of America and the Government of the Republic of Palau hereby agree to amend Article VIII of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of The Compact of Free Association, signed at Palau on January 10, 1986 (the Compact), to read as follows:

Article VIII  
Civil Aviation Safety Services and Related Programs

1. The Government of the United States and the Government of Palau agree that the Federal Aviation Administration (FAA) shall provide aviation safety services in the Republic of Palau in accordance with this Article, subject to the availability of appropriated funds, with the common desire to:
  - (a) promote the common interests of the Government of the United States and the Government of Palau in fostering safe and efficient air service; and
  - (b) provide advice and guidance to aviation safety statutory and regulatory regimes and aviation safety authorities of the Government of Palau.
2. The Administrator of the FAA may determine, after consultation with the Government of Palau, the appropriate level of services and related programs that the FAA shall provide under the Compact and this Agreement, provided the levels of services and related programs are consistent with the principles and objectives of the Compact and this Agreement, including paragraph 1 above and paragraphs 3 and 5 below.
3. On behalf of the Government of Palau, the Government of the United States shall provide aviation safety services in the Republic of Palau as follows:
  - (a) en route air traffic services within that air space including the Republic of Palau for which the Government of the United States has responsibility under the appropriate regional air navigation plan approved by the International Civil Aviation Organization (ICAO);

(b) flight inspection and ground certification of non-directional beacons and distance-measuring equipment, and periodic review and evaluation of the need for, and the maintenance, modification, improvement or replacement of, non-directional beacons, distance-measuring equipment and other aviation navigational systems in the Republic of Palau (the non-directional beacons and distance-measuring equipment shall be removed from service when the Government of the United States determines the need for them no longer exists); and

(c) development and updating of instrument approach procedures, standard instrument departure procedures and standard terminal arrival routes for airports in the Republic of Palau, and issuance of appropriate Notices to Airmen.

4. The Government of Palau, pursuant to Section 471(b) of the Compact, shall take all necessary steps to ensure the conformity of its laws, regulations and administrative procedures with the provisions of this Article. The aviation safety services specified under paragraph 3 of this Article shall be provided exclusively pursuant to treaties and other international agreements relating to aviation safety to which the United States is a party and the laws and regulations of the United States. The Government of Palau:

(a) consistent with Resolutions A33-14, Appendix N, Air Navigation, of ICAO Assembly Resolutions in force as of October 5, 2001, assigns and delegates to the Government of the United States sole authority and responsibility for providing aviation safety services as specified in paragraph 3(a) of this Article until such time as those responsibilities are transferred at the request of the Government of Palau, and with the approval of the Government of the United States and ICAO, from the Government of the United States to the Government of Palau; and

(b) grants unobstructed access by FAA personnel and FAA equipment to the airport and to the property on which the navigational and landing aids set forth in paragraph 3(b) of this Article are located.

5. The FAA shall provide technical assistance to the Government of Palau to develop civil aviation safety authorities and to assist the Government of Palau in the administration of safety certification and related aviation safety programs. Such technical assistance shall be provided pursuant to implementing agreements to be negotiated from time to time between the Government of the United States and the Government of Palau. The FAA shall provide such technical assistance in accordance with the provisions of Title 49, United States Code, Subtitle VII, Part A, Sections 40101 et seq., and Part B, Chapter 473, Sections 47301 et seq. The technical assistance provided by the FAA includes, but is not limited to:

(a) continuing development of aviation safety statutes, regulations and aviation safety authorities;

(b) training, in the United States or its territories, of personnel designated by the Government of Palau;

(c) stationing of FAA personnel in the Republic of Palau to provide continuing **advice** and guidance to aviation safety authorities at the request of the Government of **Palau**. Such advice and guidance may include assistance to aviation required for **certification** by the Government of Palau of airmen, aircraft, airports and air agencies, as **the term** "air agencies" is used in 49 U.S.C. 44702 and 44707; and

(d) equipment, tools, and facilities determined to be necessary to ensure aviation safety.

6. Pursuant to Article III, Title One, of the Compact, the Government of Palau shall protect radio frequency bands allocated in accordance with Article 5 of the Radio Regulations of the International Telecommunications Union (ITU) to the aeronautical mobile, mobile, aeronautical fixed, fixed, aeronautical radionavigation, and radionavigation services in accordance with the provisions of the ITU Radio Regulations, in order to ensure their use free of interference for these allocated purposes in support of civil aviation.

7. The Government of Palau, in order to ensure that it transmits and receives the most current meteorological information for civil aviation purposes and that such information it provides shall be available on a global basis, shall provide continuing access to their telecommunications services for meteorological traffic to and from Guam or other points as may be designated by the Government of the United States in consultation with the Government of Palau.

8. The Government of Palau, in order to ensure that they transmit and receive the most current flight movement and airmen information data for civil aviation purposes, and that such information received or provided by them will be available on a global basis, shall provide continuing access to their telecommunications services for flight movement and airmen information traffic to and from Guam or other entry points into the Aeronautical Fixed Service of the International Civil Aviation Organization as may be designated in accordance with the Convention on International Civil Aviation, Annex 10, Volumes 1 and 2, by the Government of the United States in consultation with the Government of Palau.

9. The sponsors of airports located in the Republic of Palau shall be eligible for grants under Title 49, United States Code, Subtitle VII, Part B, Sections 47115 and 47116.

10. The Government of the United States and the Government of Palau shall from time to time enter into such agreements as may be necessary to implement subparagraphs (b) and (c) of paragraph 3 of this Article.

This Agreement to amend Article VIII of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association shall enter into force on the date of the last note of an exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of Palau inform each other that all internal procedures necessary for its entry into force have been fulfilled. This Agreement may be amended by the Government of the United States of America and the Government of the Republic of Palau at any time by mutual written agreement.

This Agreement shall remain in force through September 30, 2024, subject to Article IV, Title Four of the Compact.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE AT Honolulu, USA, in duplicate, this 3<sup>rd</sup> day of September, 2010, in the English language.

FOR THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT  
OF THE REPUBLIC OF PALAU:

